

### **Sec. 7-214. Establishment of development permit.**

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in section 7-208. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.

- (1) Site plan, including but not limited to:
  - a. For all proposed structures, spot ground elevations at building corners and twenty (20) foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site; and
  - b. Proposed locations of water supply, sanitary sewer, and utilities; and
  - c. If available, the base flood elevation from the flood insurance study and/or flood insurance rate map; and
  - d. If applicable, the location of the regulatory floodway; and
- (2) Foundation design detail, including but not limited to:
  - a. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
  - b. For a crawl-space foundation, location and total net area of foundation openings as required in section 7-217(c)(3) of this article and FEMA Technical Bulletins 1-93 and 7-93; and
  - c. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to ninety-five (95) percent using the Standard Proctor Test method); and

- (3) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in section 7-217(c)(2) of this article and FEMA Technical Bulletin TB 3-93; and
  - (4) All appropriate certifications listed in section 7-216(d) of this article; and
  - (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (Ord. No. 975, § 1, 11-27-01)

### **Sec. 7-215. Designation of the floodplain administrator.**

The director of public works is hereby appointed to administer, implement, and enforce this article by granting or denying development permits in accord with its provisions.

(Ord. No. 975, § 1, 11-27-01)

### **Sec. 7-216. Duties and responsibilities of the floodplain administrator.**

The duties and responsibilities of the floodplain administrator shall include, but not be limited to the following.

- (1) *Permit review.* Review all development permits to determine that:
  - a. Permit requirements of this article have been satisfied,
  - b. All other required state and federal permits have been obtained,
  - c. The site is reasonably safe from flooding, and
  - d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this article, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one (1) foot at any point.

(2) *Review, use and development of other base flood data.*

- a. When base flood elevation data has not been provided in accordance with section 7-208, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer sections 7-217 through 7-220.5. Any such information shall be submitted to the city council for adoption.

(3) *Notification of other agencies.* In alteration or relocation of a watercourse:

- a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
- b. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
- c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(4) *Documentation of floodplain development.* Obtain and maintain for public inspection and make available as needed the following:

- a. Certification required by subsection 7-217(3)a. and section 7-220.1 (lowest floor elevations),
- b. Certification required by subsection 7-217(3)b. (elevation or floodproofing of nonresidential structures),
- c. Certification required by subsection 7-217(3)c. (wet floodproofing standard),
- d. Certification of elevation required by subsection 7-219(b) (subdivision standards),
- e. Certification required by subsection 7-220.3(1) (floodway encroachments),

f. Reports required by subsection 7-220.4(c) (mudflow standards).

- (5) *Map determinations.* Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in sections 7-220.6 through 7-222.

- (6) *Remedial action.* Take action to remedy violations of this article as specified in section 7-209.

(Ord. No. 975, § 1, 11-27-01)

**Sec. 7-216.1. Appeals.**

The city council of City of Belmont shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.

(Ord. No. 975, § 1, 11-27-01)

**Sec. 7-217. Standards of construction.**

In all areas of special flood hazards the following standards are required:

(1) *Anchoring.*

- a. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. All manufactured homes, shall meet the anchoring standards of section 7-220.1.

(2) *Construction materials and methods.* All new construction and substantial improvement shall be constructed;

- a. With flood resistant materials and utility equipment resistant to flood damage;

- b. Using methods and practices that minimize flood damage;
  - c. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
  - d. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- (3) *Elevation and floodproofing.* (See section 7-205 definitions for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement".)
- a. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,
    - 1. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified. In AO zones without velocity the lowest floor shall be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least two (2) feet, or elevated at least four (4) feet above the highest adjacent grade if no depth number is specified.
    - 2. In an A zone, elevated to or above the base flood elevation; the lowest floor shall be elevated at least two (2) feet above the base flood elevation.
    - 3. In all other zones, elevated to or above the base flood elevation.  
Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.
  - b. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with subsection 7-217(3)a. or together with attendant utility and sanitary facilities.
    - 1. Be floodproofed below the elevation recommended under subsection 7-217(c)(1) so that the structure is watertight with walls substantially impermeable to the passage of water;
    - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    - 3. Be certified by a registered professional engineer or architect that the standards of this subsection 7-217(c)(2) are satisfied. Such certification shall be provided to the floodplain administrator.
  - c. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:
    - 1. Have a minimum of two (2) openings having a total net area of not less than one (1) square

inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or

2. Be certified by a registered professional engineer or architect.

- d. Manufactured homes shall also meet the standards in section 7-220.1.

(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-218. Standards for utilities.**

(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

- (1) Infiltration of flood waters into the systems, and
- (2) Discharge from the systems into flood waters.

(b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-219. Standards for subdivisions.**

(a) All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.

(b) All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

(c) All subdivision proposals shall be consistent with the need to minimize flood damage.

(d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-220.1. Standards for manufactured homes.**

(a) All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, on sites located

- (1) Outside of a manufactured home park or subdivision,
- (2) In a new manufactured home park or subdivision,
- (3) In an expansion to an existing manufactured home park or subdivision, or
- (4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(b) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE, on the community's flood insurance rate map that are not subject to the provisions of paragraph 7-220.1(a) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the

- (1) Lowest floor of the manufactured home is at or above the base flood elevation, or
- (2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including

basement shall be certified by a registered professional engineer or surveyor, and verified by the building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-220.2. Standards for recreational vehicles.**

(a) All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's flood insurance rate map will either:

- (1) Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
- (2) Meet the permit requirements of sections 7-214 through 7-216.1 of this article and the elevation and anchoring requirements for manufactured homes in subsection 7-220.1(a).

(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-220.3. Floodways.**

Located within areas of special flood hazard established in section 7-208 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, the following provisions apply.

- (1) Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in [the base] flood elevation during the occurrence of the base flood discharge.
- (2) If subsection 220.3(1) is satisfied, all new construction, substantial improvement, and other proposed new development shall

comply with all other applicable flood hazard reduction provisions of sections 7-217 through 7-220.5.

(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-220.4. Mudslide (i.e., mudflow) prone areas.**

(a) The floodplain administrator shall review permits for proposed construction of other development to determine if it is proposed within a mudslide area.

(b) Permits shall be reviewed to determine that the proposed site and improvement will be reasonably safe from mudslide hazards. Factors to be considered in making this determination include but are not limited to the

- (1) Type and quality of soils,
- (2) Evidence of ground water or surface water problems,
- (3) Depth and quality of any fill,
- (4) Overall slope of the site, and
- (5) Weight that any proposed development will impose on the slope.

(c) Within areas which may have mudslide hazards, the floodplain administrator shall require that

- (1) A site investigation and further review be made by persons qualified in geology and soils engineering;
- (2) The proposed grading, excavation, new construction, and substantial improvement be adequately designed and protected against mudslide damages;
- (3) The proposed grading, excavations, new construction, and substantial improvement not aggravate the existing hazard by creating either on-site or [or] off-site disturbances; and
- (4) drainage, planting, watering, and maintenance not endanger slope stability.

(Ord. No. 975, § 1, 11-27-01)

### **Sec. 7-220.5. Flood-related erosion-prone area.**

(a) The floodplain administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the community.

(b) Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

(c) If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.

(d) Within Zone E on the flood insurance rate map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

(Ord. No. 975, § 1, 11-27-01)

### **Sec. 7-220.6. Nature of variances.**

The variance criteria set forth in this section of the article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this article would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique character-

istic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the city council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. [The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this article are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.]

(Ord. No. 975, § 1, 11-27-01)

### **Sec. 7-221. Appeal board.**

(a) In passing upon requests for variances, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and the

- (1) Danger that materials may be swept onto other lands to the injury of others;
- (2) Danger of life and property due to flooding or erosion damage;
- (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- (4) Importance of the services provided by the proposed facility to the community;
- (5) Necessity to the facility of a waterfront location, where applicable;
- (6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) Compatibility of the proposed use with existing and anticipated development;
- (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
- (10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
- (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

(b) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that;

- (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and
- (2) Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the San Mateo recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(c) The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.  
(Ord. No. 975, § 1, 11-27-01)

#### **Sec. 7-222. Conditions for variances.**

(a) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half ( $\frac{1}{2}$ ) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of section 7-220.6 of this article have been fully considered. As the lot size

increases beyond one-half ( $\frac{1}{2}$ ) acre, the technical justification required for issuing the variance increases.

(b) Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in section 7-205 of this article) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this article. For example, in the case of variances to an elevation requirement, this means the city council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city council believes will both provide relief and preserve the integrity of the local ordinance.

(e) Variances shall only be issued upon a;

- (1) Showing of good and sufficient cause;
- (2) Determination that failure to grant the variance would result in exceptional "hardship" (as defined in section 7-205 of this article) to the applicant; and
- (3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in section 7-205 see "public safety or nuisance"), cause fraud or victimization (as defined in section 7-205) of the public, or conflict with existing local laws or ordinances.

(f) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct

of a functionally dependent use provided that the provisions of subsections 7-222(a) through (e) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(g) Upon consideration of the factors of subsection 7-221(a) and the purposes of this article, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.  
(Ord. No. 975, § 1, 11-27-01)

**Secs. 7-223—7-300. Reserved.**